



# CITY COUNCIL AGENDA

**SEPTEMBER 21, 2004**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
7:00 p.m. - Public Hearings, Council Chambers, City Hall  
Continuation of General Plan Hearing, Council Chambers, City Hall
  
- **Invocation (District 8)**  
\* Ellen Grace O'Brien, Senior Minister and Spiritual Director of the Center for Spiritual Enlightenment
  
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 10.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation recognizing September 21, 2004 as the International Day of Peace in the City of San José. (Cortese/Mayor)
  
- \*1.2** Presentation to Mayor and Council of the Charles Edson Tax Credit of Excellence Award for Affordable Housing. (Housing)
  
- 1.3** Appointment and swearing in of District 8 Youth Commissioner. (Mayor)  
(Deferred from 9/7/04 – Item 1.1)  
**TO BE HEARD IN THE EVENING**

**1.4** Presentation of a commendation to honor the United States Army Reserve 341st Military Police Company. (Mayor)

**TO BE HEARD IN THE EVENING**

**\*1.5** Presentation of APWA Project Management Innovation Award. (Public Works)  
(Rules Committee referral 9/15/04)

## 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

### 2.2 Final adoption of ordinances.

- \* (1) ORD. NO. 27244 - Prezones certain real property situated on the west side of North Capital Avenue, opposite Penitencia Creek Road, from Unincorporated County to A(PD) Planned Development Zoning District on 5.1 acres (Lands of Yoneda); from Unincorporated County to R-M Multi-Family Residence District on 4.2 acres (Lands of Yoneda); and from Unincorporated County to R-M Multi-Family Residence District on 0.76 acres (Lands of Chelstowski).
- \* (2) ORD. NO. 27245 – Prezones certain real property situated at the northwest corner of Story Road and Lyndale Avenue to A(PD) Planned Development Zoning District. PDC 04-022

### 2.3 [Approval of actions related to the annexation of Cambrian No. 33.](#)

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Cambrian No. 33, which involves the annexation to the City of San José of 0.44 acre of land, located on the north side of Curtner Avenue, opposite the terminus of Joseph Avenue and adjacent to the City of San José annexations Cambrian Nos. 30A and 31, and the detachment of the same from West Valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No 01 (Library Services) County Service. CEQA: Resolution No. 65459, C03-092. Council District 9. (Planning, Building and Code Enforcement)

### 2.4 Approval of actions related to the annexations of Hillview No. 72 and McKee No. 126.

**Recommendation:**

- (a) [Adoption of a resolution initiating proceedings and setting October 5, 2004 at 1:30 p.m.](#) for Council consideration on the reorganization of territory designated as Hillview No. 72, which involves the annexation to the City of San José of 0.18 acre of land more or less, located at the northwest corner of Story Road and Lyndale Avenue and adjacent to the City of San José annexations Hillview Nos. 11 and 62, and the detachment of the same from Central Fire Protection, Area No. 01 (Library Services) County Services, County Lighting County Services and County Sanitation District 2-3. CEQA: Mitigated Negative Declaration, PDC04-022. Council District 5. (Planning, Building and Code Enforcement)

- (b) [Adoption of a resolution initiating proceedings and setting October 5, 2004 at 1:30 p.m.](#) for Council consideration on the reorganization of territory designated as McKee No. 126, which involves the annexation to the City of San José of 15.32 acres of land more or less, located at the west side of North Capitol Avenue, opposite Penitencia Creek Road and adjacent to the City of San José annexations McKee Nos. 12, 54, and 98, and Berryessa No. 65, and the detachment of the same from Central Fire Protection and Area No. 01 (Library Services) County Services. CEQA: Mitigated Negative Declaration, PDC04-017. Council District 4. (Planning, Building and Code Enforcement)

## 2 CONSENT CALENDAR

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### 2.5 Approval of a continuation agreement for the Berryessa Branch Library.

**Recommendation:** Approval of a continuation agreement with Group 4 Architecture, Research + Planning, Inc. for architecture consultant services for the Berryessa Branch Library, extending the term of the agreement to June 30, 2005, and increasing the amount of compensation by \$15,000, for a total agreement amount not to exceed \$1,010,235. CEQA: Mitigated Negative Declaration, H02-02-007. Council District 4. (Public Works)

### 2.6 [Approval of an agreement for the Police Southside Substation Project.](#)

**Recommendation:** Approval of a third amendment to the consultant agreement with RossDrulisCusenbery Architecture, Inc. for programming and conceptual design services for the Police Southside Substation, extending the term of the agreement from September 24, 2004 to March 31, 2005, at no additional cost to the City. CEQA: Not a Project. Council District 2. (Public Works)

### 2.7 \*Approval of an ordinance amending Section 2.08.150 of the San José Municipal Code as it relates to terms for members of boards and commissions not established by the Charter.

**Recommendation:** Approval of an ordinance amending Section 2.08.150 of the San José Municipal Code changing the regular maximum terms of commissioners on non-charter commissions from one full four-year terms to two full three-year terms, and allowing for an appointment to up to one additional three-year term in certain circumstances. (City Clerk)

**RENUMBERED FROM 3.4  
RECOMMEND DEFERRAL TO 9/28/04**

### 2.8 \*[Approval of fiscal actions for Redevelopment Agency Capital Projects.](#)

**Recommendation:**

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Opera San José at (Fox) California Theatre Project (PSM 207#3) and Keyes Street Sidewalk Reconstruction Project (PSM 383) with a net impact to the fund of \$130,500.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Keyes Street Sidewalk Reconstruction Project, as more specifically described in the memorandum from the Redevelopment Agency, dated July 7, 2004.

CEQA: Not a Project. Council District 3. SNI: Market Gateway and Spartan/Keyes. (City Manager's Office)  
(Rules Committee referral 9/15/04)

2.9 **\*Adoption of a resolution accepting invitations for Opera San José.**

**Recommendation:** Adoption of a resolution accepting invitations from David W. Packard on behalf of the City of San José and the Redevelopment Agency for a performance of the Opera San José on September 26, 2004, and approving the distribution of invitations to staff of the City and Agency in their official capacity as representative of the City of San José and Redevelopment Agency. (City Attorney's Office)

2.10 **\*Approval of Independent Police Auditor Teresa Guerrero-Daley's travel.**

**Recommendation:** Approval of Independent Police Auditor Teresa Guerrero-Daley's travel to Portland, Oregon and Chicago, Illinois on September 22 through September 24, 2004, and October 17 through October 24, 2004, to attend a Second Annual Conference for Police Auditors and the National Association of Civilian Oversight of Law Enforcement. Funding: University of Nebraska Grant/Personal funds. (Independent Police Auditor)  
(Rules Committee referral 9/15/04)

### **3 STRATEGIC SUPPORT SERVICES**

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3.1 **Report of the Study Session**  
**Mayor Gonzales, Chair**

3.2 **Report of the Rules Committee – September 8, 2004**

**Vice Mayor Dando, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (b) City Council
    - (1) Review September 21, 2004 Draft Agenda
    - (2) Add New Items to September 14, 2004 Amended Agenda
      - Mayor and Council Member Requests
      - City Manager Requests
      - City Attorney Requests
      - City Clerk Requests
    - (3) List of Reports Outstanding
  - (c) Legislative Update
    - (1) State
      - (a) Approval of the 2004 League of California Cities Resolutions
    - (2) Federal
- \*COUNCIL ACTION TAKEN ON 9/14/04 – Item 3.2(c)(1)(2)**
- (d) Meeting Schedules
    - (1) Approval of the Redevelopment Agency Budget Schedule
  - (e) The Public Record
  - (f) Appointment to Boards, Commissions and Committees
    - (1) Recruitment for Youth Commission districts 4, 7, and 9

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 8, 2004

##### Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Proposal for a Hotline in the City Auditor’s Office
- (h) Oral communications
- (i) Adjournment

#### 3.2 \*Meeting of September 15, 2004

- (c) Legislative Update
  - (1) State
    - (a) Propositions 1A and 65 on the November State Ballot

#### 3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair

#### 3.4 Approval of an ordinance amending Section 2.08.150 of the San José Municipal Code as it relates to terms for members of boards and commissions not established by the Charter.

**\*Recommendation:** Approval of an ordinance amending Section 2.08.150 of the San José Municipal Code changing the regular maximum terms of commissioners on non-charter commissions from one full four-year terms to two full three-year terms, and allowing for an appointment to up to one additional three-year term in certain circumstances. (City Clerk)

**RENUMBERED TO 2.7**

**RECOMMEND DEFERRAL TO 9/28/04**

#### 3.5 \*Adoption of a resolution nominating a portion of the Market Almaden SNI Area for designation as a Conservation Area.

**Recommendation:** Adoption of a resolution nominating a portion of the Market Almaden SNI Area for designation as a Conservation Area and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Conservation Area, including a necessary outreach to community members and property owners. (Chavez)  
(Rules Committee referral 9/15/04)

#### 3.6 \*Direction to the City Attorney to draft an amendment to the Municipal Code to transfer the authority and responsibilities of the Director of General Services with regard to purchasing to the Director of Finance.

**Recommendation:** Direction to the City Attorney to draft an amendment to the Municipal Code to transfer the authority and responsibilities of the Director of General Services with regard to purchasing to the Director of Finance. (City Manager’s Office)  
(Rules Committee referral 9/15/04)

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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**4.1 Report of the Building Strong Neighborhoods Committee  
Council Member Chavez, Chair**

**4.2 Report of the Driving a Strong Economy Committee  
Council Member Williams, Chair**

**4.3 Final hearing and approval of the 2003-04 Consolidated Annual Performance  
Evaluation Report.**

### Supplemental

**Recommendation:** Final hearing and approval of the 2003-04 Consolidated Annual Performance Evaluation Report (CAPER). CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

**4.4 Acceptance of the progress report and actions for the Coyote Valley Specific Plan  
Task Force.**

- (a) Accept a progress report from the Coyote Valley Specific Plan Task Force on the “Composite Framework,” identifying potential infrastructure elements for a new Coyote Valley community.
- (b) Reaffirm Council’s direction on the preparation of the Coyote Valley Specific Plan as outlined in Council’s Vision and Expected Outcomes for Coyote Valley Specific Plan Task Force, originally considered by the Council on August 20, 2002.

CEQA: Exempt, PP03-11-366. Council District 2. (Planning, Building and Code Enforcement)

**TO BE HEARD IN THE EVENING**

**4.5 \*Approval to award a contract for the Towers Lane Improvement Project.**

**Recommendation:** Reports on bids and award of contract for the Towers Lane Improvement Project (north of Aborn Road) to the low bidder, DeSilva Gates Construction, LP, in the amount of \$626,191, and approval of a 15 percent contingency in the amount of \$94,000. CEQA: Exempt, PP 02-03-046. Council District 7. SNI: West Evergreen. (Public Works/Transportation)  
(Deferred from 8/31/04 – Item 4.3, et al, and 9/14//04 – Item 4.4)

## 5 RECREATION & CULTURAL SERVICES

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### 5.1 Report of the All Children Achieve Committee – September 9, 2004

#### **Council Member Yeager, Chair**

- (a) Status Report on Implementation of Parks, Recreation and Neighborhood Services Multi-Service Delivery “Hub” Model
- (b) Report on San José BEST Allocation Process  
Update on San José BEST Eligible Service Providers
- (c) Youth Commission Workplan Update  
Police Department’s Youth Advisory Council
- (d) Report on San José After School Implementation
- (e) Oral petitions
- (f) Adjournment

### 5.2 Approval of actions for the Willow Glen Spur Trail Project.

#### **Recommendation:**

- (a) Approval of a funding agreement to allow the contribution of up to \$2,000,000 in funds from the County of Santa Clara (County) for the acquisition of any properties associated with the Willow Glen Spur Trail Project.
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a funding agreement to accept \$1,000,000 from the Open Space Authority (OSA) for the acquisition of any properties associated with the Willow Glen Spur Trail Project.

CEQA: Exempt, PP02-12-370. Council District 6. (Parks, Recreation and Neighborhood Services)

### 5.3 **Recommendation to name two new parks.**

#### **Recommendation:**

- (a) As recommended by the parks and Recreation Commission, name a new park located at the intersection of Sixth and Bestor Streets as “Bestor Art Park.”
- (b) As recommended by the parks and Recreation Commission, name a new park located at the intersection of Floyd and Locust Streets as “Parque de Padre Mateo Sheedy.”

(Parks and Recreation Commission/City Clerk)

**TO BE HEARD IN THE EVENING**

### \*5.4 **Recommendation to re-name the Northside Community Center.**

**Recommendation:** As recommended by the Parks and Recreation Commission, re-name the Northside Community Center located near the intersection of 6<sup>th</sup> Street and Empire Street to the Jacinto “Tony” Sequig Northside Community Center. (Parks and Recreation Commission/City Clerk)

(Rules Committee referral 9/15/04)

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Public Hearing and consider approval of an ordinance granting a Commercial Solid Waste and Recyclables Collection Franchise to Sonrise Consolidated Inc.

**Recommendation:** Public Hearing on the application of Sonrise Consolidated Inc. for a Commercial Solid Waste and Recyclables Collection Franchise, and consider approval of an ordinance granting the franchise, and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Sonrise Consolidated Inc. (Environmental Services)

### 7.2 Approval of actions related to the cooperative efforts with the Santa Clara Valley Water District.

**Recommendation:**

- (a) Accept the Status Report on cooperative efforts between the City of San José and the Santa Clara Valley Water District.
- (b) Reaffirm the City's interest in continuing to explore opportunities for expansion of the reuse of recycled water countywide through continued participation in the South Bay Water Recycling Collaborative Effort.
- (c) Adopt a resolution authorizing the City Manager to negotiate and execute the Trash Prevention and Removal Memorandum of Agreement between the City of San José and the Santa Clara Valley Water District.
- (d) Reaffirm the City's commitment to continued participation in the Water Resources Protection Collaborative.

CEQA: (a) and (d) Not a Project; (b) Exempt, PP04-249 and (c) Exempt, PP04-0248. (Environmental Services/Public Works/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement)

### 7.3 \*Approval to amend the agreement with Norcal for Recycle Plus Integrated Waste Management Services.

**Recommendation:**

- (a) Accept the staff report regarding Norcal Waste Systems of San José, Inc's request for an amendment to the Recycle Plus Integrated Waste Management Services agreement. (City Manager's Office)
- (b) Adoption of a resolution authorizing the City Manager and City Attorney to negotiate and authorizing the City Manager to execute an amendment to the agreement between the City and Norcal Waste Systems of San José, Inc. for Recycle Plus Integrated Waste Management Services to include payment for additional labor costs, contribution to a recycle characterization study, an e-scrap collection and processing program, and bins for 10 additional neighborhood cleanups. (Mayor's Office)

(Deferred from 9/7/04 – Item 7.1 and 9/14/04 – Item 7.2)

## **8 AVIATION SERVICES**

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### **8.1 Approval to amend an agreement for the Airport Master Plan.**

**Recommendation:** Approval of the ninth amendment to the consultant agreement with PB Aviation, Inc. for consulting services for the Airport Master Plan, increasing the compensation by \$11,126,000, from \$48,840,000, for a total agreement amount not to exceed \$59,966,000, and extending the term of the agreement from December 1, 2005 to July 1, 2006. CEQA: Resolution Nos. 67380 and 71451, PP 04-08-243. (Airport/Public Works)

**\*RECOMMEND DEFERRAL TO 10/5/04**

## 8 AVIATION SERVICES

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### 8.2 Approval to amend an agreement for master architectural services for the Airport.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the third amendment to the agreement with M. Arthur Gensler, Jr. & Associates (Gensler) for master architectural services, increasing compensation by \$13,590,363, from \$25,060,000, for a total agreement amount not to exceed \$38,650,363, and extending the term of the agreement from December 1, 2005 to December 1, 2008.

CEQA: Resolution Nos. 67380 and 71451, PP 04-08-241. (Airport/Public Works)

**\*RECOMMEND DEFERRAL TO 10/5/04**

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1  
IN A JOINT SESSION**

### 10.1 [Acceptance of the quarterly CIP and SNI status reports.](#)

[Joint Memo from Del D. Borgsdorf & Harry S. Mavrogenes](#)

**Recommendation:** Acceptance of the quarterly report on the Citywide Capital Improvement Program (CIP), including park, library, public safety bond projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

**ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE  
MEETING**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

# 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

## 11.1 [Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.](#)

**\*Recommendation:** Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit in conjunction with an Alcohol Beverage Control Exception to allow for the off-sale of alcoholic beverages at a grocery store on a 9.5 gross acre site in the CG General Commercial Zoning District, located at the northeast corner of Jackson Road and McKee Road (2327 McKee Road). (Chavez Super Market, Developer/Chi Chiu Lo Trust, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends upholding the Planning Commission's decision to approve the CUP. (6-0-1).  
[CP 04-046 - District 5](#)

### [Supplemental 1](#)

[Supplemental Attachment 1](#)

[Supplemental Attachment 2](#)

[Supplemental Attachment 3](#)

[Supplemental Attachment 4](#)

[Supplemental Attachment 5](#)

[Supplemental Attachment 6](#)

[Supplemental Attachment 7](#)

[Supplemental Attachment 8](#)

## 11.2 [Public Hearing on review and recommendation of the Update to City Council Policy 6-30, Public Outreach.](#)

[Staff Memo](#)

[Exhibit A](#)

[Exhibit B](#)

**\*Recommendation:** Public Hearing on review and recommendation of the Update to City Council Policy 6-30, Public Outreach, and adoption of a related resolution amending the policy. CEQA: Not a Project. (Planning, Building, and Code Enforcement)  
Citywide

## 11.3 **Public Hearing on planned development rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue.**

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the south side of State Street, approximately 300 feet easterly of Pacific Avenue, from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District, to allow up to 6 single-family

detached residences on a 0.41 gross acre site. (Next Step Homes, LLC, Owner/Developer). CEQA: Mitigated Negative Declaration.

PDC 03-104 - District 4

(Continued from 9/7/04 – Item 11.3)

**RECOMMEND CONTINUANCE TO 10/5/04**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on planned development rezoning of the property located at the southwest corner of McKee Road and North Jackson Avenue.

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the southwest corner of McKee Road and North Jackson Avenue, from A Agriculture, CG Commercial General, CO Commercial Office, A(PD) Planned Development, and R-2 Two Family Residence Districts to A(PD) Planned Development Zoning District, to allow approximately 1,030,000 square feet of medical facility uses on a 34.2 gross acre site. (San José Healthcare System, LP, Owner). CEQA: Pending.

PDC 03-093 - District 5

**DROP - [SEE ITEMS 12.1(a)(1) and 12.1(a)(2)]**

## 11.5 Public Hearing on planned development rezoning of the property located at 1240 McKay Drive.

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the southwest corner of Lundy Avenue and McKay Drive (1240 McKay Drive), from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District, to allow up to 313 single-family attached residences on a 17.38 gross acre site. (Sobrato Sobrato Interests, Owner; The Riding Group, Kendall Riding, Developer). CEQA: Pending.

PDC 04-001 - District 4

**TO BE HEARD AFTER ITEM 12.3(a) - ACTION TO BE TAKEN UNDER ITEM 12.3(b)**

## 11.6 Public Hearing on planned development rezoning of the property located at South 12th Street and Orvis Avenue.

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning from R-1-8 Residence Zoning District, CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 53 single-family detached residences on an 8.6-gross-acre site, located at the southeast corner of South 12th Street and Orvis Avenue. (San Jose Bible College, Owner; KB Home South Bay, Inc., Developer). CEQA: Mitigated Negative Declaration.

PDC03-094 – District 3

**TO BE HEARD AFTER ITEM 12.2(a) - ACTION TO BE TAKEN UNDER ITEM 12.2(b)**

# 11 PUBLIC HEARINGS

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## 11.7 [Public Hearing on conforming rezoning of the property located at 3361 Madeline Drive.](#)

**Recommendation:** Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located at the north side of Madeline Drive, approximately 200 feet easterly of White Road (3361 Madeline Drive), from County to R-1-8 Residential Zoning District, to allow residential uses on a 0.13 gross acre site. (Gilbert E and Diane M Carpio, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C 04-049 - District 5

## 11.8 [Public Hearing on planned development rezoning of the property located at 1410 North First Street.](#)

### [Supplemental](#)

**Recommendation:** Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located on the northeast corner of North First Street and East Gish Road (1410 North First Street), from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 35 affordable multi-family attached residences and 3,775 square feet for commercial use on a 0.42 gross acre site. (The Southland Corporation, Owner; 1<sup>st</sup> Community Housing, Jeff Oberdorfer, Developer). CEQA: Addendum to Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).  
PDC 04-055 - District 3

## 11.9 [Public Hearing on conventional rezoning of the property located at 2278 Story Road.](#)

**Recommendation:** Public Hearing on and consider approval of an ordinance on Conventional Rezoning of the property located at the south side of Story Road, approximately 200 feet westerly of Jackson Avenue (2278 Story Road), from CO Office Commercial Zoning District to CP Pedestrian Commercial Zoning District, to allow commercial uses on a 0.24 gross acre site. (Vong Zenh S, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: East Valley/680 Communities.  
C 04-058 - District 5

## 12 GENERAL PLAN PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of General Plan Consent Calendar (Item 12.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 12.1) and considered separately.

### CONTINUATION OF SEPTEMBER 7, 2004 GENERAL PLAN HEARING

#### 12.1 Approval of General Plan Consent Calendar items.

##### **Recommendation:**

- (a) Public Hearing on the following items located at the southwest corner of Jackson Avenue and McKee Road on a 34.2-acre site. (San Jose Health System, LP, Owner/Applicant).
- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Medium-High Density Residential (12-25 DU/AC) designation on 7.9 acres; Office on 4.9 acres, and Neighborhood/Community Commercial on 4.6 acres to Public/Quasi-Public.  
GP03-05-10 - District 5  
**DROP AND RENOTICE FOR DECEMBER 7, 2004**
- (2) PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING from A Agriculture, CG Commercial General, CO Commercial Office, A (PD) Planned Development, R-2 Two Family Residence Districts to A (PD) Planned Development Zoning District to allow up to 1,030,000 square feet of medical office uses on a 34.2 gross site.  
PDC03-093 - District 5  
**DROP AND RENOTICE FOR DECEMBER 7, 2004**
- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium Density Residential (8-16 DU/AU) for property located on the southeast corner of Marburg Way and Highway 101 on a 3.24-acre site. (Borrelli Investment Company, Owner/Ray Hashimoto, Applicant). SNI: Five Wounds/Brookwood Terrace.  
GP03-03-16 - District 3  
**DROP AND RENOTICE FOR DECEMBER 7, 2004**
- (c) [PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to](#) change the text of policies and Land Use/Transportation Diagram designation descriptions to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills. CEQA: Mitigated Negative Declaration, GP04-T-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Dhillon Absent).  
GP04-T-01a - District Citywide

## 12 GENERAL PLAN PUBLIC HEARINGS

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### 12.1 Approval of General Plan Consent Calendar items. (Cont'd)

**Recommendation:**

- (d) [PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to change the text of the Specific Land Use Plan for the Alviso Planned Community Land Use/Transportation Diagram designation description of Solid Waste Landfill Overlay to facilitate the continuation and expansion of recycling uses on landfill sites after closure of landfills. CEQA: Mitigated Negative Declaration, GP04-T-01. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(6-0-1; Dhillon Absent\).](#)  
[GP04-T-01b - District 4](#)

### 12.2 Public Hearing on the following items located on the east side of South 12th Street between Orvis Street and Highway 280 on an approximately 5.6-acre site. (San Jose Christian College, Owner/Ray Hashimoto (HMH), Applicant).

**Recommendation:**

- (a) [PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential \(8 DU/AC\) on 1.6 acres and Medium High Density Residential \(12-25 DU/AC\) on approximately 4 acres to Medium Density Residential \(8-16 DU/AC\) on a 5.6-acre site. CEQA: Mitigated Negative Declaration, GP03-03-17. SNI: University. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission recommends approval \(5-1-1; Dhillon Opposed; Platten Absent\).](#)

[Supplemental](#)

[GP03-03-17 - District 3](#)

- (b) [PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from R-1-8 Residence Zoning District, CP Commercial Pedestrian Zoning District to A\(PD\) Planned Development Zoning District to allow up to 55 single-family detached residences on an 8.6-gross-acre site. CEQA: Mitigated Negative Declaration, PDC03-094. SNI: University. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval with no bollards at Orvis Street entrance and no vehicular circulation under the native Valley Oak tree. \(5-1-1; James Opposed; Platten Absent\).](#)

[PDC03-094 - District 3](#)

## 12 GENERAL PLAN PUBLIC HEARINGS

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- 12.3 Public Hearing on General Plan amendment for property located on the southwest corner of Lundy Avenue and McKay Drive at (1240 & 1290 McKay Drive and 1750 Ringwood Avenue) on a 17.38-acre site.**

**Recommendation:**

- (a) [PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change](#) the Land Use/Transportation Diagram designation from Industrial Park to Medium High Density Residential (12-25 DU/AC) for property located on the southwest corner of Lundy Avenue and McKay Drive at (1240 and 1290 McKay Drive and 1750 Ringwood Avenue) on a 17.38-acre site. (Philips Semiconductors Inc., Sobrato Inc, Owners/The Riding Group, Applicant). CEQA: Resolution to be adopted, GP03-04-04. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission forwards negative recommendation (3-2-1-1; Zito & Dhillon Opposed; Platten Absent; Levy Abstained).  
[GP03-04-04](#) - District 4
- (b) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 304 single-family attached residences. CEQA: Resolution to be adopted, PDC04-001. Director of Planning, Building and Code Enforcement recommends conditional approval and Planning Commission recommends approval (5-0-1-1; Platten Absent; Levy Abstained).  
[PDC04-001](#) - District 4

[Supplemental](#)  
[Supplemental 2](#)

- 12.4 Adoption of a resolution approving all General Plan amendment actions taken on September 7 and September 21, 2004.**

**Recommendation:** Adoption of a resolution approving all General Plan amendment actions taken on September 7 and September 21, 2004. (Planning, Building and Code Enforcement)

- Open Forum
- Adjournment